UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/26903
20 December 1993

ORIGINAL: ENGLISH

# LETTER DATED 20 DECEMBER 1993 FROM THE PERMANENT REPRESENTATIVE OF UKRAINE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I would like to draw your attention to the situation relating to free navigation regime on the Danube in connection with the implementation of the Security Council sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro):

On 26 November 1993 the Yugoslav authorities enacted customs law according to which it is necessary to pay a deposit for each vessel going through the FRY (Serbia and Montenegro). This deposit is amounted to 50 per cent of the cargo value. The deposit is not refunded by the Yugoslav authorities if it takes the vessel more than 72 hours to pass the Yugoslav sector of the Danube.

Since it takes the vessels to go through this 400 km sector of the Danube twice as much time (approximately 7 days), this provision constitutes in effect a form of illegal "tolls" for transshipment.

Imposing such a deposit constitutes a violation of the principles formulated in the International Convention on the Danube which prohibits any toll of discriminatory nature or for profit-making reasons in cases of transits on the Danube.

As far as these tolls are concerned, the Security Council has already expressed its opinion in a statement by the President of the Security Council dated 13 October 1993 (S/26572), having pointed out that by "extracting these payments, the Federal Republic of Yugoslavia (Serbia and Montenegro) violates its international obligations".

As a result of these actions by the Yugoslav authorities, organizations and institutions of Ukraine are suffering heavy material losses. For example, as of 16 December 1993, the activities of the Ukrainian Danube Shipping Company are suspended. More than 80 barges are stalled awaiting the permission from the Yugoslav authorities for transshipment through the FRY sector of the Danube. As early as the end of December 1993 the contractual obligations will have expired, and if the free navigation regime is not re-established, it will bring new multimillion losses for Ukraine.

We are greatly concerned that the FRY continues to ignore the reminding of the President of the Security Council of its own international obligations and demand that its authorities ensure free and safe movement on the Danube as contained in the above-mentioned statement.

Strictly observing the sanctions regime imposed by the Security Council against the Federal Republic of Yugoslavia (Serbia and Montenegro) Ukraine requests this authoritative body to undertake urgent measures in order to stop these illegal actions by the Yugoslav authorities and normalize navigation on the Danube.

I would be grateful if you could have this letter circulated as a document of the Security Council.

(Signed) Victor H. BATIOUK
Ambassador
Permanent Representative of Ukraine
to the United Nations

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